

REMARKS

The Notice (a copy of which is attached as Exhibit 1) indicated that the application as filed failed to comply with the requirements of 37 CFR §§ 1.821 through 1.825. In a telephonic communication with Mr. Charles M. Avigliano (Reg. No. 52,578), Examiner Lakia J. Tongue indicated that the applicant failed to list the first named inventor after the sequence listing numeric identifiers <110>, and that the applicant failed to list the current application number after the numeric identifiers <140>. These alleged errors have been remedied by the Substitute Sequence Listing. Additionally, other information after identifier <223> has been changed to "Synthetic Construct" to reflect the source of the genetic material. Accordingly, the previous Sequence Listing has been cancelled and a Substitute Sequence Listing in both hard copy and computer readable format are submitted herewith as Exhibits 2 and 3, respectively.

Pursuant to 37 CFR § 1.821(f), undersigned counsel hereby represents that, upon information and belief, the content of the paper and computer readable Substitute Sequence Listings enclosed herewith are the same and that no new matter has been added.

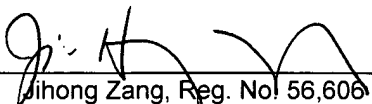
It is believed that the Substitute Sequence Listing and computer readable form presented herewith place the captioned application into compliance with the requirements set forth in 37 CFR § 1.821 *et seq.* Entry of the Sequence Listing is respectfully solicited.

In view of the foregoing, it is respectfully submitted that the application is in full compliance with the Rules and prompt examination on the merits is requested. If

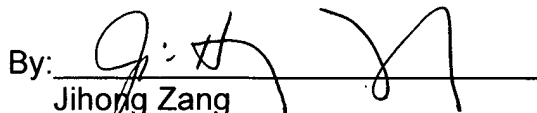
Application No. 10/528,881
Amendment Dated: February 14, 2008
Reply to Notice Dated: January 16, 2008

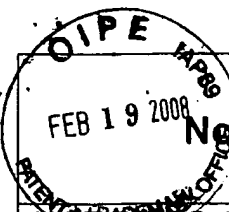
the Examiner wishes to discuss any part of this submission, please contact the undersigned at the number indicated.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 14, 2008.


Jihong Zang, Reg. No. 56,606

Respectfully submitted,

By: 
Jihong Zang
Registration No. 56,606
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, NY 10104-3300
Phone: (212) 541-2000



Notice to Comply

Application No.
10/528,881

Applicant(s)
Hoshino et al.

Examiner
Lakia J. Tongue

Art Unit
1645

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The sequence listing does not properly conform with the requirements of MPEP 2424.02.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951

For CRF Submission Help, call (571) 272-2510

PatentIn Software Program Support

Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO. / CONTROL NO. 10/528,881	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Hoshino et al.	ATTORNEY DOCKET NO. 21420 US C038435/0185662
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EXAMINER

Lakia Tongue

ART UNIT	PAPER
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1645

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

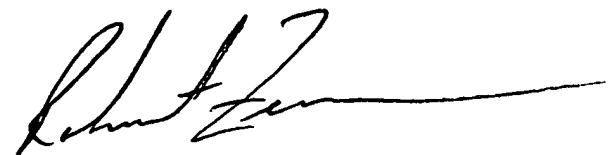
The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313-1450
Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building

401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lakia J. Tongue whose telephone number is (571) 272-2921.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Shanon Foley. (571-272-0898).

A handwritten signature in black ink, appearing to read "Robert A. Zeman", with a long horizontal line extending to the right.

ROBERT A. ZEMAN
PRIMARY EXAMINER